

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAGNA MIRRORS OF AMERICA, INC.,

Plaintiff/Counter-Defendant,

-vs-

Case No. 10-12283
Hon: AVERN COHN

DURA GLOBAL TECHNOLOGIES, INC.,
et al.,

Defendants/Counter-Plaintiffs,

_____ /

SCHEDULING ORDER FOR *MARKMAN* PHASE OF CASE

This is a patent case. The patent-in-suit is U.S. Patent No. 6,955,009B2 (the '009 Patent), covering a Power Sliding Window Assembly. Plaintiff has designated the paradigm claim as Claim 1, and advised defendants of its infringement contention (Doc. 28).

A. Defendants say there are ambiguities in Claim 1 which require interpretation (*Markman* proceeding) to move the case forward:

1. Within thirty (30) days defendants shall identify the ambiguous words/phrases in Claim 1.

2. Within thirty (30) days thereafter, plaintiff shall offer its interpretation of the identified words/phrases.

3. Within ten (10) days thereafter, defendants shall respond to plaintiff's interpretation.

4. Thereafter, the Court will schedule a *Markman* hearing.

B. If either party relies on the prosecution history of the '009 Patent, the parties

shall lodge with the Court a tabbed and indexed 3-ring binder containing the prosecution history. The parties shall cite to this copy of the prosecution history in their papers.

C. The plaintiff shall promptly lodge with the Court a copy of Claim 1 in the form of Exhibit A attached.

D. The parties' papers relating to claim interpretation shall include a chart of the parties' interpretation of ambiguous words/phrases in non-argumentative form. An example is attached as Exhibit B.

E. The parties shall schedule an in-court tutorial with the Case Manager.

This order is independent of the proceedings on defendants' motion to dismiss (Doc. 33).

Any objections to this order shall be filed within three (3) business days.

SO ORDERED.

Dated: January 28, 2011

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, January 28, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160